



9052.1002

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Donels, Jeffrey Group Art Unit: 2837

Re: Application of: STRASSER, Thomas et al.

Serial No.: 10/608,450 Confirmation No.: 9400

Filed: June 27, 2003 Docket No.: 9052.1002

For: DEVICE AND METHOD FOR EVALUATING
VOCAL PERFORMANCE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR §1.181(a)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 8, 2006

Dear Sir:

Applicant hereby requests consideration on the merits of this Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) and in support thereof shows the following:

1. A Notice of Abandonment dated February 3, 2006 was received by Applicant's attorney on February 6, 2006. A copy of the Notice of Abandonment is enclosed herewith. According to the Notice of Abandonment, Applicant failed to file a timely reply to the Office communication mailed on June 27, 2005. However, Applicant's attorney hereby advises that Applicant filed a timely response to the Office Action mailed on June 27, 2005.

I hereby certify that this correspondence and/or fee is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 8, 2006.

STEINBERG & RASKIN P.C.

By: 

2. Applicant's attorney submitted a Response to Office Action on November 28, 2005 including an Amendment and a Petition for a Two-Month Extension of Time. Each submission included a Certificate of Mailing certifying that the documents were being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Commissioner for Patents on November 28, 2005. The Petition for a Two-Month Extension of Time was noted with the correct Serial No. 10/608,450. However, the Response to Office Action was inadvertently noted with Serial No. 10/608,405 instead of the correct Serial No. 10/608,450. A copy of the submissions are submitted herewith.

3. Applicant's attorney submits that the Response to Office Action was received by the U.S. Patent and Trademark Office ("PTO") on December 1, 2005. A copy of a return-receipt postcard submitted with the submissions setting forth the November 28, 2005 mailing date and stamped by the PTO with a December 1, 2005 received date is enclosed herewith.

4. Applicant's attorney further submits that this Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) is being timely filed within two months of the mailing date of the Notice of Abandonment as required under 37 CFR 1.181(f).

Conclusion

In view of the foregoing facts, the withholding of abandonment should be withdrawn and the Response to Office Action filed with the PTO for the above-identified application should be processed.

Kindly telephone the undersigned if any additional information or materials are required. Please return the enclosed postcard to indicate your receipt of the above-referenced materials.

Applicant's attorney hereby asserts that this petition is timely and it is believed that a fee is not required with this communication. In the event any fee is required for this petition, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 500518. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STEINBERG & RASKIN, P.C.

By:



Noam R. Pollack
Reg. No. 56,829

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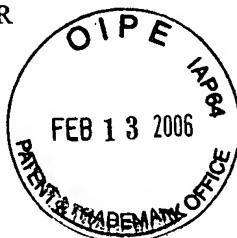
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/608,450 | 06/27/2003 | Thomas Strasser | 9024.1011 | 9400 |

21831 7590 02/03/2006

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NEW YORK, NY 10036-5803



EXAMINER

DONELS, JEFFREY

ART UNIT PAPER NUMBER

2837

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.





Notice of Abandonment

Application No.

10/608,450

Examiner

Jeffrey Donels

Applicant(s)

STRASSER ET AL.


Art Unit

2837

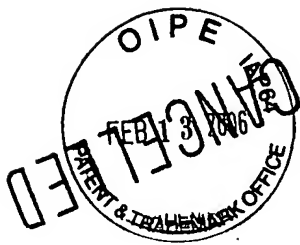
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 27 June 2005.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
(c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Jeffrey Donels
Primary Examiner
Art Unit: 2837

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Garnier
Our Ref.: 9052.1001

nrp

November 28, 2005

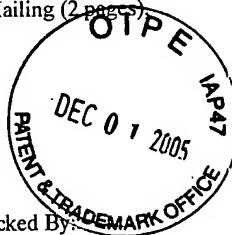
Re: U.S. Patent Application
Serial No.: 10/608,450
Applicant: Thomas STRASSER, et al.
Assignee: GENIUS - INSTITUTO DE TECNOLOGIA
Title: DEVICE AND METHOD FOR EVALUATING VOCAL ...

- Amendment with Certificate of Mailing (7 pages)
- Petition for an Extension of Time under 37 CFR §1.136(a) (1 page, in duplicate)
- Information Disclosure Statement with Certificate of Mailing (2 pages)
- PTO-1449 (1 page) and 3 refs.
- Check No. 7044 for \$630.00

Mail Stop AMENDMENT

Envelope: First Class Mail

Due Date: November 28, 2005



Checked By: